LAW REFORM AND THE WAR—One of the outstanding results of the war is disregard for precedent and the application of common sense and expediency in adapting means to ends. The individualism which was the boast of Americans only a short time ago has been supplanted by a kind of state socialism directed by all-powerful dictators who administer affairs with very little regard to the so-called "inalienable" rights of the individual. We are accepting orders from which there is no appeal, commanding us to do or not to do things which heretofore were left entirely to individual initiative. The American citizen is thus receiving a training far-reaching in its consequences.

Is it possible that these things shall not be felt in the field of law and of legal administration?

During the last decade, noteworthy progress in volume and intensity has been made toward the reform of law and procedure. The organization and publications of the American Judicature Society to promote the efficient administration of justice, the reports of committees of the American Bar Association and of local bar associations, discussions in learned societies devoted to political and social science, the reform instituted in Connecticut, New Jersey, Illinois, Pennsylvania, California, Massachusetts and other states, the proposed reforms advocated by the leaders of the bar in New York and Mississippi, the constant discussion at meetings of the state and local bar associations through the United States, newspaper agitation, the long bibliography of procedural reform, all indicate that criticism of our law and procedure which a generation ago was confined almost exclusively to the layman has been taken up by the legal administrators and experts themselves.

Much of this is due to the work of the better law schools of the country whose teachers have fostered a spirit of free and critical inquiry through presentation of the law to their students not only as it is, but as it ought to be.

This was the condition at the outbreak of the war. And now it is more than probable that the example set during this world conflict, which brushes aside every plea and every precedent that would obstruct the translation of need into action, will further stimulate the already powerful movement toward legal reform throughout our country, and that with the close of the war a determined and irresistible impulse will have been given to that reforming tendency whose aim is to unify the law, to adapt it more closely to the needs and actual conditions of society and to simplify legal procedure. One of the most significant phenomena attendant upon this change of attitude is the character of the criticism levelled a sacro-sanct institutions by their own administrators. Judges and lawyers boldly speak of nonsensical and outworn rules which they themselves are obliged to administer, they criticise most unflinchingly and unsparingly the procedure of the courts in which they themselves are the officials, and they advocate the tearing down and

reshaping of much of the system which they or their predecessors have helped to build up. When criticism of this character emanates from such sources we may expect radical changes in the effort to adapt the law to the new conception of its relation to society.

David Werner Amram.

IS A TAXICAB COMPANY A COMMON CARRIER?—A common carrier of passengers is one who undertakes for hire to carry all persons who may apply for such service.[1] It is not necessary that the carriage should be over a definite route nor at specified intervals. Thus, it has been held from an early period that hackmen are common carriers.[2] The undertaking to serve the public generally is evidenced by their occupying stands on the streets, by the display of signs, or by otherwise signifying a readiness to carry all who apply. Baggage transfer companies are likewise common carriers.[3]

In accordance with the above principles and by analogy to the case of hackmen and transfermen, it follows that taxicab companies are common carriers. This was so decided in two cases, one in Missouri[4] and the other in West Virginia,[5] where the question of the liability of the taxicab company was in issue. The West Virginia court thus described the position of the company: "Defendant followed the business of transporting persons for hire from one part of the city to another, and held itself out to serve one and all who should apply to it for transportation upon payment of the fares agreed upon and usually charged:—this being true, it is of course a public or common carrier of passengers." So far as the right to regulate the duties of a taxicab company are concerned, it was decided in a Supreme Court case[6] in New York that a municipal ordinance relative to public hackmen applies to taxicabs, it being well recognized in New York that hackmen who profess to serve the public generally are common carriers.

[1] Thompson, Carriers of Passengers, 26; Gillingham v. Ohio River R. Co., 35 W. Va. 588 (1891). This is in accord with the historic definition of a common carrier of goods: "Any one undertaking for hire to carry the goods of all persons indifferently is a common carrier." Gisbourn v. Hurst, 1 Salk. 249 (1710).

[2] "From time immemorial it has been held that the business of a public hackman is affected with a public interest and falls within the principle of the common law which was long ago asserted by Lord Chief Justice Hale in his treatise *De Portibus Maris.*" Seabury, J., in the Taxicab Cases, 143 N. Y. Sup. 279, 289 (1913). See also Munn v. Illinois, 94 U. S. 113, 125 (1876); Bonce v. Dubuque Street Ry. Co., 53 Iowa 278 (1880).

[3] Parmelee v. Lowitz, 74 Ill. 116 (1874). A moving van company has been held in Pennsylvania to be a common carrier. Lloyd v. Haugh, 223 Pa. 148 (1909).

[4] VanHoeffen v. Columbia Taxicab Co., 179 Mo. App. 561 (1913).

[5] Brown Shoe Co. v. Hardin, 87 S. E. 1014 (1916).

[6] The Taxicab Cases, 143 N. Y. Sup. 279 (1913).